

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

911 WRIT PETITION NO.14199 OF 2019

SACHIN MAHADEO SIRASKAR AND OTHERS
VERSUS
THE UNION OF INDIA AND ANOTHER

Mr.D.P. Palodkar h/f Mr.A.S.Awalgaonkar, Advocate for the Petitioners.
Mr.D.R.Kale, Govt.Pleader for Respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.)

DATE : JULY 27, 2023

PER COURT :

1. The learned Advocate for the Petitioner places on record an order dated 03.04.2023 passed in WP No.3522/2023, filed by Lata Vithalrao Shiraskar and others V/S State of Maharashtra through Chief Secretary and others. He submits that the Petitioners in that petition had approached this Court with regard to the agricultural land bearing Gat no.1082 in village Renapur. This petition is filed by the identically placed Petitioners with regard to the same gat number. It is, therefore, submitted that the directions issued by this Court in paragraph No.5 can also be made applicable to this case and the petition can be disposed off.

2. In the order dated 03.04.2022, delivered in WP No.3522/2023 (supra), this Court had recorded in paragraph No.5 as under :-

"5. In this background, learned counsel for Petitioners in response to the Courts query, submits that all the petitioners shall be applying for joint measurement of their land to the office of the Deputy Superintendent of Land Records / competent authority, in any case by 30th April, 2023. In case, if such applications are moved before the Deputy Superintendent of Land Records / competent authority, we direct the respondents authorities to extend cooperation with regard to the request of the petitioners for joint measurement. Such prayer for joint measurement shall be processed at the costs of the petitioners. Petition accordingly disposed off. However, it is made clear that, in case in the process of joint measurement, if it is noticed that land of the petitioners is affected by virtue of implementation of project by the National Highway Authority, the National Highway Authority must take decision and communicate the same to the petitioners based on such joint measurement; provided they are in agreement with it about the steps taken by them about land acquisition. Such steps shall be communicated to the petitioners within a period of six weeks from the date of receipt of report of joint measurement."

3. In view of the above, **this petition is disposed off.** The Petitioners shall apply for joint measurement of their lands to the Office

of the Deputy Supdt. of Land Records on or before 10.08.2023. The concerned Authorities would extend fullest co-operation for the joint measurement. Akin to the directions that were issued earlier (reproduced paragraph No.5 as above), we hold that if it is noticed that the lands of the Petitioners are affected by the project at issue, the National Highway Authority would take a decision and communicate the same to the Petitioners. If the joint measurements are not disputed, the NHAI/Competent Authority would initiate steps for acquisition of the said portion of land. Such steps would be conveyed to the Petitioners within 6 (six) weeks from the date of receipt of the joint measurement.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)